

REMARKS

Applicant has received and carefully reviewed the Final Office Action of October 8, 2009 and the Advisory Action of December 23, 2009, prior to preparing this response. Currently, claims 13 and 15-26 are pending, wherein claims 13, 15-17 and 21-26 have been rejected, and claims 18-20 have been allowed. Claim 13 has been amended, and claims 27-28 have been added with this paper. Support for the amendments may be found, for example, at line 3 of page 10 through line 4 of page 11 and FIGS. 6-8 as originally filed. No new matter has been added. Favorable consideration of the above amendments and following remarks is respectfully requested.

Allowed Claims

Claims 18-20 have been indicated as allowed. Applicant thanks the Examiner for the favorable consideration of these claims.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 13, 15-17 and 21-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pfenninger (U.S. Patent No. 5,306,247) in view of Allman et al. (U.S. Patent No. 6,346,093). Applicant respectfully traverses the rejection.

While Applicant disagrees with the rejection, claim 13 has been further amended with this response. Claim 13, as currently amended, recites that the length of the slit is less than the length of the polymer sheath such that the slit extends along only a portion of the length of the polymer sheath. Such a configuration is shown in FIG. 6, for example. The cited combination at least fails to teach this limitation of claim 13.

Allman et al., relied on in formulating the rejection, discloses a sheath assembly 110 including a two-piece hub assembly 112 and a sheath 114 at FIG. 4. See Allman et al. at col. 8, lines 1-4. The sheath 114 has a slit 118 that extends the full length of the sheath 114, from the distal end of the sheath 114 to proximal end of the sheath 114 such that the slit 118 is in communication with slits 126, 128 in the hub assembly 112. See Allman et al. at col. 8, lines 4-12.

The teachings of Pfenninger fail to remedy the noted shortcomings of Allman et al. For at least these reasons, the cited combination fails to teach each and every limitation of claim 13.

Applicant submits that claim 13 is currently in condition for allowance. Claims 15-17 and 21-26, which depend from claim 13 and add additional limitations, are also believed to be in condition for allowance. Withdrawal of the rejection is respectfully requested.

New Claims

Claims 27 and 28 have been added with this amendment. Support for these claims may be found, for example, at line 3 of page 10 through line 4 of page 11 and FIGS. 6-8 as originally filed. No new matter has been added. Applicant submits that these claims are patentable over the cited combination of Pfenninger and Allman et al. For example, neither document teaches a slit extending at an angle such that the slit has a depth measured from the inner surface to the outer surface of the polymer sheath that is greater than the thickness of the wall of the polymer sheath, wherein the slit is defined between a first edge of the polymer sheath and a second edge of the polymer sheath facing the first edge, wherein each of the first edge and the second edge extend from the outer surface to the inner surface of the polymer sheath, and wherein the first edge and the second edge are in contact with each other when no guidewire is extended through the passage. Favorable consideration of these claims is respectfully requested.

Conclusion

Reconsideration and further examination of the rejections are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Sean McFerran

By his Attorney,

Date: January 8, 2010

/jason w. burgmaier/
Jason W. Burgmaier, Reg. No. 57,222
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349